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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of )  
Yamazaki et al. )  
Serial No.: 09/841,537 )  
Filed: April 24, 2001 )  
For: Semiconductor Device And Method )  
Of Fabricating Thereof )  
Art Unit: 2822 )  
Examiner: M. Guerrero )  
Commissioner for Patents  
Washington, D.C. 20231

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**ELECTION AND AMENDMENT A**

Sir:

In response to the Restriction Requirement of October 15, 2002, Applicants elect to prosecute  
Group I: Claims 1-35 in the above-identified application. Applicants are making this election and  
canceling the non-elected claims without prejudice to later filing a divisional application on the non-  
elected claims.